

MINUTES
NEVADA HOMELAND SECURITY COMMISSION
THURSDAY, JANUARY 8, 2004 - 9:00 A.M. - 12:00 P.M.

COMMISSION MEMBERS IN ATTENDANCE: Lt. John Alamshaw, Mr. Dennis Balaam, Mr. Richard Brenner, Chairman Jerry Bussell, Mr. Tod Carlini, Mr. Robert Fisher, Vice-Chairman Jerry Keller, Ms. Ellen Knowlton, Ms. Maria Lipscomb, Mr. Chuck Lowden, Ms. Kimberly McDonald, Ms. Maureen Peckman, Mr. Jack Staley, Mr. Doyle Sutton, General Giles Vanderhoof, Ms. Larma Volk, Mr. Lawrence Weekly, and Mr. Bill Conger who attended in Sheriff Young's place.

LEGISLATIVE MEMBERS IN ATTENDANCE: Senator Dennis Nolan (Assemblyman William Horne was unable to attend.)

COMMISSION MEMBERS ABSENT: Dr. Dale Carrison, Mayor Robert Cashell (Chris Bartlett attended in the Mayor's place), Mr. Robert Hadfield, and Mr. Michael Mayberry

AGENDA ITEM #1: **CALL TO ORDER/ROLL CALL/OPENING REMARKS BY CHAIRMAN BUSSELL**

Chairman Jerry Bussell called the Nevada Homeland Security Commission to order at 9:09 a.m. Ms. Lindsay Eaton took roll call and determined there was a quorum available for the meeting. Mr. Bussell introduced Ms. Gwen Hadd, Homeland Security Analyst, and Ms. Lindsay Eaton, the Commission Assistant.

AGENDA ITEM #2: **REVIEW AND APPROVAL OF MINUTES FROM NOVEMBER 5, 2003 MEETING**

Chairman Keller moved that the minutes be accepted as written and Mr. Dennis Balaam seconded the motion. The minutes were approved unanimously.

AGENDA ITEM #3: **DISCUSSION OF LEGAL OPINIONS (Mr. Glade Myler)**

Mr. Myler provided a summary regarding the legal opinion requested based upon AB441 regarding any inherent or referred powers the Commission would have. Mr. Myler researched this by looking into the legislative history of AB441 and AB250, and those bills indicate this is an advisory commission, not a regulatory commission. The Commission discussed closed meetings and Mr. Myler stated his feeling is that those meetings need to follow the Open Meeting Law. There are three criteria the Commission needs to consider regarding closed meetings: 1) to receive security briefings; 2) to discuss procedures in responding to acts of terrorism or related emergencies; and 3) to discuss deficiencies in security with respect to public services, facilities, and critical infrastructure. The Commission must vote by majority vote to close a meeting if any of those three areas are going to be discussed. Vice-Chairman Keller asked Mr. Myler to formalize requests for legal opinions and proposed the minutes of the meetings serve as written request to Mr. Myler for any legal opinions needed so a secondary letter of request will not be required and Mr. Myler was amenable to this. Commissioner Carlini asked Mr. Myler about the legal opinion regarding the Hatch Act and Mr. Myler said he is still investigating that opinion.

AGENDA ITEM #4: **FFY '04 OVERVIEW – (Mr. Frank Siracusa)**

Mr. Siracusa stated the Commission provided his office with concurrence during the last meeting to distribute the '02-03 monies to state agencies. His staff has reviewed the applications for compliancy and Mr. Siracusa, Ms. Carmazzi and Mr. Bussell also reviewed the applications. \$10.4 million was received in requests and that has been reduced to \$4.4 million and that money has been distributed to state agencies and local governments. Mr. Siracusa explained that ODP guidelines state that a minimum of 80% of the funds must go to local government and up to 20% stays with state government. Vice-Chairman Keller requested that Mr. Siracusa get this information to Mr. Bussell and his staff so they can distribute the information to all commission members.

FFY '04 Grant Program – Mr. Siracusa explained there are four programs: 1) State Homeland Security Program which is a \$20,147,000 grant. This is a grant that will provide first responder

initiatives; 2) Law Enforcement Prevention Program that has \$5,997,000 and that program is earmarked specifically for law enforcement agencies statewide for prevention and detection initiatives; 3) Citizen Corp Program – a program that will have \$418,000 available; and 4) Urban Area Security Initiative – that program has allocated \$10,531,025 to the greater Las Vegas Metropolitan area.

Mr. Siracusa provided an update on where he and his staff are with the preparation of the State Strategic Plan. The new deadline date to have this Plan completed is January 31, 2004 and Mr. Siracusa said the Division of Emergency Management would meet that deadline. Mr. Siracusa asked the Commission to provide direction on what funding formulas they want put into place.

Commissioner Weekly and Mr. Timothy McAndrew discussed concerns over the delays the City of Las Vegas has incurred in the funding process and further discussion ensued regarding these concerns. Ms. Carmazzi, Deputy Chief, Division of Emergency Management, explained the process being used. After further discussion, Commissioner Fisher stated he felt the discussion needed to be taken up in the Finance Sub-Committee and Commissioner McDonald concurred.

AGENDA ITEM #5: **OVERVIEW AND UPDATE FROM THE NEVADA HEALTH DIVISION (Dr. Bradford Lee)**

Dr. Bradford Lee provided an update to the Commission regarding the Health Division's funding streams (CDC/HRSA) and Highlights of the Health Division's 2003 highlights. He requested that the Commission keep the Health Division in the information loop and keep them informed as quickly as possible. He explained that if the Commission would include the Health Division early, even though some events may be law enforcement related, the Division would assist in getting proactive planning in place. Dr. Lee explained he hopes the Homeland Security Commission will assist the Division in getting access to the Federal Bio-watch System so the Health Division will know the location any chemical or biological substance is found, the concentrations, what the tests showed and what the concentrated trigger levels are. He requested the Commission provide them with intelligence on these incidents as they occur. Vice-Chairman Keller suggested Dr. Lee pursue these issues through the Health Sub-Committee co-chaired by Dr. Carrison.

Mark Blomstrom, Deputy Chief, Division of Information Technology (DOIT), stated that he could not speak to the collection of information, but said the dissemination of information is based on e-mail. DOIT is working with the Health Division and part of the 15% Center for Disease Control funding has been provided to upgrade the email system. DOIT has also recently procured a grant and they are in the process of improving the email system.

Commissioner Fisher cautioned that on the national level, depending on the scope of the emergency, the email or Internet may not be functioning and that perhaps a back-up system should be considered, also.

AGENDA ITEM #6: **SOUTHERN NEVADA PUBLIC HEALTH LABORATORY UPDATE (Ms. Patricia Armour)**

Ms. Pat Armour, Lab Manager, for the S. Nevada Public Health Laboratory provided an update to the Commission and explained the steps necessary to bring the lab into full operation. The construction renovations are complete except for the DSL-3 portions of the lab and equipment is being set up to pass the necessary certifications. The lab is an extension of the State Health Lab in Reno and will be a participant in the CDC Laboratory Response Network (LRN).

Ms. Armour explained some issues relating to the opening of the lab such as equipment, staffing, training, and licensure and certification. All of the necessary equipment will be installed by the end of January. Ten staffing positions have been provided, as new staff will require training in laboratory techniques and procedures prior to performing testing on actual samples. Training and documentation of training in CDC protocols and BioSafety Level3 procedures is required for all staff performing testing. Because the lab is a new facility, the Department of Health and Human Services and the USDA will not register the lab until the facility is complete, occupied and the BioSafety Level 3 lab is operational and a registration number has been issued. Ms. Armour

stated that as of January 27, 2004 the Southern Nevada Public Health Laboratory would be considered a member of the CDC LRN as a sentinel laboratory or level A Laboratory.

AGENDA ITEM #7:

**DISCUSSION/DECISION ON FORMATION OF
COMMITTEES AND CHAIRS TO THE SUB-COMMITTEES
PER AB441, SECTION 18**

Each Commission member was provided with a list of the sub-committee recommendations from Chairman Bussell and Vice-Chairman Keller. Commissioner Fisher made a motion to accept those recommendations with regards to the constitution of the committees and the co-chairs and the motion was seconded. Vice-Chairman Keller recommended that Commissioner Lawrence Weekly be added to the Finance Sub-Committee. Commissioner McDonald stated she also had an interest in serving on that sub-committee, and Chairman Bussell stated that would be a decision to be made by the Chairman of that Sub-Committee. Commissioner Carlini asked if the co-chairs had the right to appoint additional members to their sub-committees and Chairman Bussell explained the co-chairs could make the decision as to who sits on their sub-committee, and those members do not necessarily have to be members of the Commission. The Chairman called for a vote on the motion made by Commissioner Fisher, and the vote was unanimous to accept the recommendations for the sub-committees, Chairs and Co-Chairs.

Vice-Chairman Keller requested that each Chair and Co-Chair determine who would be on each sub-committee and to decide what the sub-committee mission would be. Each Sub-Committee Chair/Co-Chair was asked to take 10-15 minutes to discuss what each of the sub-committees roles and missions would be, and this was accomplished. Vice-Chairman Keller asked that each sub-committee prepare something in writing to provide to Chairman Bussell within the next week.

Senator Nolan voiced concerns regarding the logistics of sub-committee meetings and whether all of the sub-committee meetings would apply to the Open Meeting Law. Deputy Atty. General Myler stated he thought the sub-committees would be considered "work groups" and only if there were a quorum of commissioners present would the meetings be subject to the Open Meeting Law. Mr. Myler stated that if several sub-committees planned joint meetings, those meeting might need to be posted under the Open Meeting Law if a majority of Commission members were involved. Chairman Bussell stated that Ms. Gwen Hadd, on his staff, would be the point of contact for the sub-committees and would be available to assist with the scheduling of meetings. If there are questions regarding whether a meeting would apply to the Open Meeting Law, Deputy Attorney General Myler would need to be contacted.

Vice-Chairman Keller requested an opportunity to discuss and review the State Strategic Plan, which is due by January 31st, 2004. His concern was that the Commission has no knowledge of what the draft plan is and that he feels the plan should include prevention as being of foremost importance in the plan. Vice-Chairman Keller asked that a full commission meeting be scheduled to review the plan. Mr. Siracusa stated he would be happy to provide a copy of the draft Strategic Plan to all Commissioners by Monday, January 12, 2004. Further discussion ensued, and another full Commission meeting was scheduled on Thursday, January 22, 2004 from 9:00 a.m. to 12:00 noon.

Chairman Bussell requested that each Chair/Co-Chair of the sub-committee's provide a quick report on who is currently on the Sub-Committee, and what their mission/plan might be and this was completed.

AGENDA ITEM #8:

COMMUNICATIONS UPDATE (Mr. Mark Blomstrom)

Mr. Blomstrom explained the Communications Committee that exists today has been in existence for a year and plans are underway to prepare a Communications Interoperability Plan. A draft of this will be available in September and he stated he would be available to provide that information at the October Commission meeting. Following further discussion, Assemblyman Horne requested that the issue of interoperability/communications be placed on one of the next Commission meeting agendas so this issue can be discussed in further detail and Chairman Bussell agreed to this.

Commissioner Fisher also stated that the state of Washington is utilizing an advanced web portal for the Amber Alert and that all agencies in that state utilize this portal. He explained that Arizona would be the second state targeted for implementation of this program and Nevada will be the third state. He requested Chairman Bussell allow this to be an agenda item for one of the next Commission meetings so he can bring someone in to explain the new web portal to the full Commission and Chairman Bussell agreed to this.

AGENDA ITEM #9: PUBLIC COMMENT

Carl Spear, with Real Time Radiological Services, introduced himself and explained the products he had available, and Vice-Chairman Keller explained that the Homeland Security Commission was only an advisory Commission and suggested Mr. Spear provide his information to the City of Las Vegas and/or Clark County Fire Department to provide them with information about his product(s).

Commissioner Fisher explained a concern he observed while at McCarran Airport. As this was "CES Week" he said he was told by airport security that the minimum wait for a cab to the strip was approximately two hours and he was very concerned about the impression that was giving and the security issues involved with the large group of people on the sidewalks.

AGENDA ITEM #10: SCHEDULING OF FUTURE MEETING DATES

A list of future meeting dates was listed on the agenda. Those dates are as follows: April 1, 2004, July 1, 2004, October 7, 2004 and January 6, 2005.

AGENDA ITEM #11: ADJOURNMENT

Chairman Bussell adjourned the meeting at 12:15 p.m.

Respectfully submitted,

Marva Johnson, Executive Assistant to
JERRY BUSSELL
Nevada Homeland Security Office